

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: <b>DeLima et al.</b>	§	
	§	Group Art Unit: <b>2143</b>
Serial No. <b>09/904,025</b>	§	
	§	Examiner: <b>Jude Jean Gilles</b>
Filed: <b>July 12, 2001</b>	§	
	§	
For: <b>Method and Apparatus For</b>	§	
<b>Policy-Based Packet Classification</b>	§	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

36736  
PATENT TRADEMARK OFFICE  
CUSTOMER NUMBER

**APPEAL BRIEF (37 C.F.R. 41.37)**

This brief is in furtherance of the Reinstatement of Appeal, filed in this case on December 11, 2006.

No fee is believed to be necessary. If, however, a fee is required, please charge this fee to IBM Corporation Deposit Account No. 09-0461. In the event that any additional fees are required for the prosecution of this application, please charge any necessary fees to IBM Corporation Deposit Account No. 09-0461. No extension of time is believed to be necessary. If, however, an extension of time is needed, the extension is requested and the fee for this extension should be charged to IBM Corporation Deposit Account No. 09-0461.

### **REAL PARTY IN INTEREST**

The real party in interest in this appeal is the following party: International Business Machines Corporation of Armonk, New York.

## **RELATED APPEALS AND INTERFERENCES**

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such appeals or interferences.

## **STATUS OF CLAIMS**

### **A. TOTAL NUMBER OF CLAIMS IN APPLICATION**

Claims in the application are: 1-38

### **B. STATUS OF ALL THE CLAIMS IN APPLICATION**

1. Claims canceled: NONE
2. Claims withdrawn from consideration but not canceled: NONE
3. Claims pending: 1-38
4. Claims allowed: NONE
5. Claims rejected: 1-4, 7, 8, 12-18, 21, 22, 26-30, 33, 34 and 38
6. Claims objected to: 5, 6, 9-11, 19, 20, 23-25, 31, 32 and 35-37

### **C. CLAIMS ON APPEAL**

The claims on appeal are: 1-4, 7, 8, 12-18, 21, 22, 26-30, 33, 34 and 38

## **STATUS OF AMENDMENTS**

A Response to the Final Office Action dated December 28, 2005, was filed on March 6, 2006. In an Advisory Action dated April 6, 2006, the Examiner stated that the Response would not be entered. A Notice of Appeal was filed on March 28, 2006, and an Appeal Brief was filed on May 31, 2006. Prosecution was reopened by the Examiner and a new, non-final Office Action was issued on September 11, 2006. A Notice of Reinstatement of Appeal was filed on December 11, 2006, without further amendment of the claims. The claims on appeal herein are, accordingly, as finally rejected in the Final Office Action dated December 28, 2005.

## SUMMARY OF CLAIMED SUBJECT MATTER

### **A. CLAIM 1 - INDEPENDENT**

Claim 1 is directed to a method in a data processing system processing a request. A request is received (Specification pg. 17, lines 18-19; **Figure 6, step 600**). In response to a first hash value being present within the request, the first hash value is compared to a second hash value (Specification pg. 15, lines 1-9; pg. 17, lines 22-24; pg. 18, lines 9-18; pg. 21, lines 6-9; **Figure 6, step 602 and 608**). The second hash value represents a current policy configuration for a quality of service (Specification pg. 14, lines 1-6; pg. 15, lines 1-9; pg. 18, lines 7-9; pg. 21, lines 6-9; **Figure 6, step 606**). In response to a match between the first hash value and the second hash value, a quality of service is set based on information associated with the first hash value (Specification pg. 15, lines 1-9; pg. 18, lines 18-22; pg. 21, lines 9-12; **Figure 6, step 610**).

### **B. CLAIM 8 – INDEPENDENT**

Claim 8 is directed to a method in a data processing system for processing a request. In response to receiving a request containing a selected cookie in which the selected cookie includes a first hash value and information associated with the hash value (Specification pg. 10, line 6 – pg. 11, line 3; pg. 13, lines 23-28; pg. 17, lines 18-19; **Figure 6, step 600**), determining whether the first hash value corresponds to a second hash value (Specification pg. 15, lines 1-9; pg. 17, lines 22-24; pg. 18, lines 9-18; pg. 21, lines 6-9; **Figure 6, step 602 and 608**). The second hash value represents a current policy configuration for processing requests by the data processing system (Specification pg. 14, lines 1-6; pg. 15, lines 1-9; pg. 18, lines 7-9; pg. 21, lines 6-9; **Figure 6, step 606**). In response to a correspondence between the first hash value and the second hash value, processing the request using the information (Specification pg. 15, lines 1-9; pg. 18, lines 18-22; pg. 21, lines 9-12; **Figure 6, step 610**).

### C. CLAIM 13 - INDEPENDENT

Claim 13 is directed to a data processing system comprising a bus system, a communications unit connected to the bus system (Specification pg. 12, lines 13-28, **Figure 2**, modem **218**); a memory connected to the bus system (Specification pg. 12, lines 3-6, **Figure 2**, processors **202**, **204**) and a processing unit connected to the bus unit (Specification pg. 12, lines 7-9, **Figure 2**, memory controller/cache **208**). The memory contains instructions and the processing unit executes the instructions. The processing unit executes a set of instructions to receive a request (Specification pg. 17, lines 18-19; **Figure 6**, step **600**). Then, in response to a first hash value being present within the request, the processing unit executes a set of instructions to compare the first hash value to a second hash value (Specification pg. 15, lines 1-9; pg. 17, lines 22-24; pg. 18, lines 9-18; pg. 21, lines 6-9; **Figure 6**, step **602** and **608**). The second hash value represents a current policy configuration for a quality of service (Specification pg. 14, lines 1-6; pg. 15, lines 1-9; pg. 18, lines 7-9; pg. 21, lines 6-9; **Figure 6**, step **606**). Then, in response to a match between the first hash value and the second hash value, the processing unit executes a set of instructions to set a quality of service based on information associated with the first hash value (Specification pg. 15, lines 1-9; pg. 18, lines 18-22; pg. 21, lines 9-12; **Figure 6**, step **610**).

### D. CLAIM 14 - INDEPENDENT

Claim 14 is directed to a data processing system comprising a bus system, a communications unit connected to the bus system (Specification pg. 12, lines 13-28, **Figure 2**, modem **218**); a memory connected to the bus system (Specification pg. 12, lines 3-6, **Figure 2**, processors **202**, **204**) and a processing unit connected to the bus system (Specification pg. 12, lines 7-9, **Figure 2**, memory controller/cache **208**). The memory contains instructions and the processing unit executes the instructions. The processing unit executes a set of instructions to receive a request (Specification pg. 17, lines 18-19; **Figure 6**, step **600**). Then, in response to receiving a request containing a selected cookie in which the selected cookie includes a first hash value and information associated with the hash value (Specification pg. 10, line 6 – pg. 11, line 3; pg. 13, lines 23-28; pg. 17, lines 18-19; **Figure 6**, step **600**), determining whether the first hash

value corresponds to a second hash value (Specification pg. 15, lines 1-9; pg. 17, lines 22-24; pg. 18, lines 9-18; pg. 21, lines 6-9; **Figure 6**, step **602** and **608**). The second hash value represents a current policy configuration for processing requests by the data processing system (Specification pg. 14, lines 1-6; pg. 15, lines 1-9; pg. 18, lines 7-9; pg. 21, lines 6-9; **Figure 6**, step **606**). In response to a correspondence between the first hash value and the second hash value, processing the request using the information (Specification pg. 15, lines 1-9; pg. 18, lines 18-22; pg. 21, lines 9-12; **Figure 6**, step **610**).

#### **E. CLAIM 15 - INDEPENDENT**

Claim 15 is directed to a data processing system for processing a request. The data processing system has a receiving means (Specification pg 13, line 19 -21, **Figure 3**, policy agent **306**) for receiving the request (Specification pg. 17, lines 18-19; **Figure 6**, step **600**). In response to a first hash value being present within the request, a comparing means (Specification pg 13, line 19 -21; pg. 15, lines 1-9; **Figure 3**, policy agent **306**) compares the first hash value to a second hash value (Specification pg. 15, lines 1-9; pg. 17, lines 22-24; pg. 18, lines 9-18; pg. 21, lines 6-9; **Figure 6**, step **602** and **608**). The second hash value represents a current policy configuration for a quality of service (Specification pg. 14, lines 1-6; pg. 15, lines 1-9; pg. 18, lines 7-9; pg. 21, lines 6-9; **Figure 6**, step **606**). In response to a match between the first hash value and the second hash value, a setting means (Specification pg 15, line 10 – pg. 16, line 5; **Figure 3**, TCP/IP stack **308**) sets a quality of service based on information associated with the first hash value (Specification pg. 15, lines 1-9; pg. 18, lines 18-22; pg. 21, lines 9-12; **Figure 6**, step **610**).

#### **F. CLAIM 22 - INDEPENDENT**

Claim 22 is directed to a data processing system for processing a request. In response to receiving a request (Specification pg. 17, lines 18-19; **Figure 6**, step **600**) containing a selected cookie in which the selected cookie includes a first hash value and information associated with the hash value (Specification pg. 10, line 6 – pg. 11, line 3; pg. 13, lines 23-28; pg. 17, lines 18-



19; **Figure 6**, step **600**), a determining means (Specification pg 13, line 19 -21; pg. 15, lines 1-9; **Figure 3**, policy agent **306**) determines if the first hash value corresponds to a second hash value (Specification pg. 15, lines 1-9; pg. 17, lines 22-24; pg. 18, lines 9-18; pg. 21, lines 6-9; **Figure 6**, step **602** and **608**). The second hash value represents a current policy configuration for processing requests by the data processing system (Specification pg. 14, lines 1-6; pg. 15, lines 1-9; pg. 18, lines 7-9; pg. 21, lines 6-9; **Figure 6**, step **606**). In response to a correspondence between the first hash value and the second hash value, a processing means (Specification pg 15, line 10 – pg. 16, line 5; **Figure 3**, TCP/IP stack **308**) processes the request using the information (Specification pg. 15, lines 1-9; pg. 18, lines 18-22; pg. 21, lines 9-12; **Figure 6**, step **610**).

#### **G. CLAIM 27 - INDEPENDENT**

Claim 27 is directed to a computer program product for processing a request. A request is received (Specification pg. 17, lines 18-19; **Figure 6**, step **600**). In response to a first hash value being present within the request, the first hash value is compared to a second hash value (Specification pg. 15, lines 1-9; pg. 17, lines 22-24; pg. 18, lines 9-18; pg. 21, lines 6-9; **Figure 6**, step **602** and **608**). The second hash value represents a current policy configuration for a quality of service (Specification pg. 14, lines 1-6; pg. 15, lines 1-9; pg. 18, lines 7-9; pg. 21, lines 6-9; **Figure 6**, step **606**). In response to a match between the first hash value and the second hash value, a quality of service is set based on information associated with the first hash value (Specification pg. 15, lines 1-9; pg. 18, lines 18-22; pg. 21, lines 9-12; **Figure 6**, step **610**).

#### **H. CLAIM 34 - INDEPENDENT**

Claim 34 is directed to a computer program product for processing a request. Responsive to receiving a request (Specification pg. 17, lines 18-19; **Figure 6**, step **600**) containing a selected cookie in which the selected cookie includes a first hash value and information associated with the first hash value (Specification pg. 10, line 6 – pg. 11, line 3; pg. 13, lines 23-28; pg. 17, lines 18-19; **Figure 6**, step **600**), instructions are executed to determine if the first hash value corresponds to a second hash value (Specification pg. 15, lines 1-9; pg. 17, lines 22-

24; pg. 18, lines 9-18; pg. 21, lines 6-9; **Figure 6**, step **602** and **608**). The second hash value represents a current policy configuration for processing requests by the data processing system (Specification pg. 14, lines 1-6; pg. 15, lines 1-9; pg. 18, lines 7-9; pg. 21, lines 6-9; **Figure 6**, step **606**). In response to a correspondence between the first hash value and the second hash value, instructions are executed to process the request using the information (Specification pg. 15, lines 1-9; pg. 18, lines 18-22; pg. 21, lines 9-12; **Figure 6**, step **610**).

**I. CLAIM 2 - DEPENDENT**

Claim 2, which depends from claim 1, further recites that the first hash value and the information are located in a cookie within the request (Specification pg. 10, line 6-pg. 11, line 3; pg. 17, lines 18-29; **Figure 6**, steps **600-604**).

**J. CLAIM 12 - DEPENDENT**

Claim 12, which depends from claim 8, further recites that the information includes a quality of service indicator (Specification pg. 13, line 21 – pg. 14, line 24; page 17, lines 18 – 29; **Figure 6**, steps **600-604**).

**K. CLAIM 16 - DEPENDENT**

Claim 16, which depends from claim 15, further recites that the first hash value and the information are located in a cookie within the request (Specification pg. 10, line 6-pg. 11, line 3; pg. 17, lines 18-29; **Figure 6**, steps **600-604**).

**L. CLAIM 26 - DEPENDENT**

Claim 26, which depends from claim 22, further recites that the information includes a quality of service indicator (Specification pg. 13, line 21-pg. 14, line 24; pg. 17, lines 18-29; **Figure 6**, steps **600-604**).

**M. CLAIM 28 – DEPENDENT**

Claim 28, which depends from claim 27, further recites that the first hash value and the information are located in a cookie within the request (Specification pg. 10, line 6-pg. 11, line 3; pg. 17, lines 18-29; **Figure 6**, steps **600-604**).

**N. CLAIM 38 - DEPENDENT**

Claim 38, which depends from claim 34, further recites that the information includes a quality of service indicator (Specification pg. 13, line 21-pg. 14, line 24; pg. 17, lines 18-29; **Figure 6**, steps **600-604**).

## **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

The grounds of rejection to be reviewed on appeal are as follows:

**A. GROUND OF REJECTION 1 (Claims 1, 7, 12-15, 21, 22, 26, 27, 33, 34 and 38)**

Claims 1, 7, 12-15, 21, 22, 26, 27, 33, 34 and 38 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,499,110 B1 to Moses et al.

**B. GROUND OF REJECTION 2 (Claims 2-4, 8, 16-18 and 28-30)**

Claims 2-4, 8, 16-18 and 28-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,499,110 B1 to Moses et al. in view of U.S. Patent No. 6,374,300 B2 to Masters.

## ARGUMENT

### **A. GROUND OF REJECTION 1 (Claims 1, 7, 12-15, 21, 22, 26, 27, 33, 34 and 38)**

Claims 1, 7, 12-15, 21, 22, 26, 27, 33, 34 and 38 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,499,110 B1 to Moses et al.

#### **A.1. Claims 1, 7, 13, 15, 21, 27 and 33**

In rejecting claims 1 and 15, the Examiner states:

Regarding **claims 1 and 15**, Moses discloses a method in a data processing system for processing a request, the method comprising:  
receiving the request (column 3, lines 33-56);  
responsive to a first hash value being present within the request, comparing the first hash value to a second hash value, wherein the second hash value represents a current policy configuration for a quality of service (column 3, lines 33-56; see abstract); and  
responsive to a match between the first hash value and the second hash value, setting a quality of service based on information associated with the first hash value (column 3, lines 33-56; see abstract).

Office Action dated September 11, 2006, pages 4-5.

Claim 1 on appeal herein is as follows:

1. A method in a data processing system for processing a request, the method comprising:
  - receiving the request;
  - responsive to a first hash value being present within the request, comparing the first hash value to a second hash value, wherein the second hash value represents a current policy configuration for a quality of service; and
  - responsive to a match between the first hash value and the second hash value, setting a quality of service based on information associated with the first hash value.

A prior art reference anticipates a claimed invention under 35 U.S.C. § 102 only if every element of the claimed invention is identically shown in that single prior art reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of a claimed invention must be considered when determining

patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994).

Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983).

Appellants respectfully submit that Moses et al. (hereinafter “Moses”) does not identically show every element of the claimed invention arranged as they are in the claims; and, accordingly, does not anticipate the claims. With respect to claim 1, in particular, Moses does not teach or suggest “responsive to a first hash value being present within the request, comparing the first hash value to a second hash value, wherein the second hash value represents a current policy configuration for a quality of service,” and also does not teach or suggest “responsive to a match between the first hash value and the second hash value, setting a quality of service based on information associated with the first hash value.”

Moses is generally directed to information security systems and describes a mechanism to facilitate information security policy control by using security policy association data on a per security engine user basis. In Moses, a security engine compares a realtime hash value of a calling application that is requesting use of the security engine and compares it to a stored hash value included as the policy association data. If the hash values match, this indicates that the calling application has been previously approved by a trusted policy authority (see, for example, the Abstract in Moses).

The present invention, on the other hand, is directed to a mechanism for processing requests for data, such as Web pages. In accordance with the present invention, a request is received, and responsive to a first hash value being present within the request, the first hash value is compared to a second hash value that represents a current policy for a quality of service (QoS). If the hash values match, a quality of service is set based on information associated with the first hash value.

The Examiner refers to the Abstract and column 3, lines 33-56 of Moses as disclosing the subject matter recited in claim 1. These portions of Moses are reproduced below for the convenience of the Board:

An apparatus and method facilitates information security policy control for an information security engine by utilizing security policy association data on a per security engine user basis. Security policy association data may include, for example, data

representing identification information of the user of the security engine along with corresponding policy identification data. Policy user identification data may be a hash value of the disk image of an executable software application which uses the security engine, along with policy object identification data which indicates which policy (or policies) that particular application is required to use. A security engine obtains access to this information and also obtains comparison information such as generating a realtime hash value of a calling application that is requesting use of the security engine and compares the newly generated hash value to a stored hash value included as the policy association data. If the hash values match, indicating that the calling application has been previously approved by the trusted policy authority, the policy rules referenced by the policy association data are then employed by the security engine.

**Moses, Abstract.**

Briefly, an apparatus and method facilitates information security policy control for an information security engine by utilizing security policy association data on a per security engine user basis. Security policy association data may include, for example, data representing identification information of the user of the security engine along with corresponding policy identification data. In one example, policy user identification data may be a hash value of an executable software application which uses the security engine, along with policy object identification data which indicates which policy (or policies) that particular application is required to use. In one embodiment, the policy association data is digitally signed by a trusted policy authority and used by applications, subscribers or other entities as the centrally generated policy control information. A security engine obtains access to this information and also obtains comparison information such as generating a realtime hash value of a calling application that is requesting use of the security engine and compares the newly generated hash value to a stored hash value included as the policy association data. If the hash values match, indicating that the calling application has been previously approved by the trusted policy authority, the policy rules referenced by the policy association data are then employed by the security engine.

**Moses, Col. 3, lines 33-56.**

The above recitations in Moses do not disclose or suggest “responsive to a first hash value being present within the request, comparing the first hash value to a second hash value, wherein the second hash value represents a current policy configuration for a quality of service” as recited in claim 1. Instead, Moses discloses that policy user identification data may be a hash value of a disk image of an executable software application, which uses a security engine along with corresponding policy object identification data which indicates which policy (security policy) that particular application is required to use. As described in the Abstract in Moses, the

security engine “obtains access to this information and also obtains comparison information such as generating a realtime hash value of a calling application that is requesting use of the security engine and compares the newly generated hash value to a stored hash value included as the policy association data.”

Although Moses does disclose comparing two hashes, Moses does not disclose a first hash value present within a request as recited in claim 1, and does not disclose a second hash value that represents a current policy configuration for a quality of service as also recited in claim 1. Instead, in Moses, the security engine generates a realtime hash value of a calling application and compares this generated hash value with a stored hash value that is included as policy association data. Therefore, Moses does not disclose or suggest “responsive to a first hash value being present within the request, comparing the first hash value to a second hash value, wherein the second hash value represents a current policy configuration for a quality of service”, and does not anticipate claim 1.

Moses also does not disclose or suggest “responsive to a match between the first hash value and the second hash value, setting a quality of service based on information associated with the first hash value” as additionally recited in claim 1. In Moses, as indicated in the above-reproduced sections, matching of the hash values therein indicates that the calling application has been previously approved by the trusted policy authority, and the policy rules referenced by the policy association data are then employed by the security engine. Moses does not disclose that responsive to a match between hash values, a quality of service is set based on information associated with the first hash value.

Moses is not related to quality of service and does not disclose or suggest setting a quality of service. Moses certainly does not disclose or suggest setting a quality of service based on information associated with a first hash value in response to a match between the first hash value and a second hash value. Therefore, Moses also does not disclose or suggest “responsive to a match between the first hash value and the second hash value, setting a quality of service based on information associated with the first hash value”, and does not anticipate claim 1 for this reason as well.

Thus, for at least the reasons set forth above, claim 1 is not anticipated by Moses and patentably distinguishes over Moses in its present form.



Independent claims 13, 15 and 27 recite similar subject matter as claim 1, and are not anticipated by Moses for similar reasons as discussed above with respect to claim 1. Claim 7 depends from and further restricts claim 1, claim 21 depends from and further restricts claim 15, and claim 33 depends from and further restricts claim 27. These claims are also not anticipated by Moses, at least by virtue of their dependency.

## **A.2 Claims 14, 22 and 34**

Independent claim 14 is as follows:

14. A data processing system comprising:
  - a bus system;
  - a communications unit connected to the bus system;
  - a memory connected to the bus system, wherein the memory includes a set of instructions; and
  - a processing unit connected to the bus system, wherein the processing unit executes the set of instructions to determine whether the first hash value corresponds to a second hash value in response to receiving a request containing a selected cookie in which the selected cookie includes a first hash value and information associated with the hash value, wherein the second hash value represents a current policy configuration for processing requests by the data processing system; and process the request using the information in response to a correspondence between the first hash value and the second hash value.

Appellants respectfully submit that Moses does not disclose or suggest “wherein the processing unit executes the set of instructions to determine whether the first hash value corresponds to a second hash value in response to receiving a request containing a selected cookie in which the selected cookie includes a first hash value and information associated with the hash value, wherein the second hash value represents a current policy configuration for processing requests by the data processing system, and process the request using the information in response to a correspondence between the first hash value and the second hash value,” and, therefore, does not anticipate claim 14.

Initially, as discussed above, Moses does not disclose receiving a request that includes a first hash value and information associated with the hash value, and also does not disclose a second hash value that represents a current policy configuration for processing requests. In addition, Moses does not disclose or suggest that a received request contains “a selected cookie

in which the selected cookie includes a first hash value and information associated with the hash value” as recited in claim 14. Moses does not describe a cookie, and, in fact, the Examiner acknowledges, on page 8 of the Office Action dated September 11, 2006, that Moses “fails to disclose a method wherein the first hash value and the information are located in a cookie within the request.”

Claim 14, accordingly, is not anticipated by Moses and patentably distinguishes over Moses in its present form.

Independent claims 22 and 34 recite similar subject matter as claim 14 and are not anticipated by Moses for similar reasons as discussed above with respect to claim 14.

### **A.3 Claims 12, 26 and 38**

Claim 12 depends from and further restricts claim 8 and recites that the information recited in claim 8 includes a quality of service indicator. Claims 26 and 38 depend from and further restrict claims 22 and 34, respectively, and recite similar subject matter.

Initially, it is to be noted that independent claim 8 is rejected as being obvious over Moses in view of Masters under 35 U.S.C. § 103(a). Claim 12 depends from and further restricts claim 8, and it appears the Examiner may have intended to reject claim 12 as also being unpatentable over Moses in view of Masters.

In any event, in rejecting claims 12, 26 and 38, the Examiner asserts that the Abstract and column 3, lines 33-56 of Moses reproduced above disclose that the information contained in a cookie in the request includes a quality of service indicator. As pointed out above, however, Moses is not related to quality of service, nowhere discusses quality of service and does not disclose or suggest including a quality of service indicator in information in a cookie or otherwise in a received request.

Claims 12, 26 and 38, accordingly, patentably distinguish over Moses in their own right as well as by virtue of their dependency.

For at least all the above reasons, claims 1, 7, 12-15, 21, 22, 26, 27, 33, 34 and 38 are not anticipated by Moses, and it is respectfully requested that the Board reverse the Examiner’s rejection of those claims.

**B. GROUND OF REJECTION 2 (Claims 2-4, 8, 16-18 and 28-30)**

Claims 2-4, 8, 16-18 and 28-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,499,110 B1 to Moses et al. in view of U.S. Patent No. 6,374,300 B2 to Masters.

In rejecting the claims, the Examiner acknowledges that Moses fails to disclose “wherein the first hash value and the information are located in a cookie within the request”, and cites Masters as disclosing a method with “a hash that provides a quickly determinable value in the Cookie for identifying a relationship between the client and the destination.” The Examiner asserts that it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Master’s teachings of a method and apparatus to use hash value within a cookie with the data processing system of Moses. Appellants respectfully disagree.

Masters is directed to a method and system for inserting and examining cookies in data streams “for the purpose of persistently directing HTTP connections to the same destination” (see Abstract in Masters). Column 16, lines 5-7 of Masters referred to by the Examiner states “A hash provides a quickly determinable value in the Cookie for identifying a relationship between the client and the destination.”

Masters contains no disclosure that would suggest to one skilled in the art that the “first hash value and the information are located in a cookie within the request” as recited in claim 2. Only the present application contains such a disclosure, and the Examiner is using hindsight based on Appellants’ own disclosure in attempting to combine the references. Claim 2, accordingly, is not obvious over Moses in view of Masters and patentably distinguishes over the references in its present form.

Claim 16 depends from and further restricts claim 15, and claim 28 depends from and further restricts claim 27. These claims correspond to claim 2 and patentably distinguish over Moses in view of Masters for similar reasons as discussed above with respect to claim 2.

Claims 3 and 4 depend from and further restrict claims 2 and 1, respectively; claims 17 and 18 depend from and further restrict claims 16 and 15, respectively, and claims 29 and 30 depend from and further restrict claims 28 and 27, respectively. These claims are also not obvious over Moses in view of Masters, at least by virtue of their dependency.

Independent claim 8 also patentably distinguishes over Moses in view of Masters for similar reasons discussed above in connection with the rejections of claims 1 and 2. In particular, neither Moses nor Masters nor their combination discloses or suggests “responsive to receiving a request containing a selected cookie in which the selected cookie includes a first hash value and information associated with the hash value, determining whether the first hash value corresponds to a second hash value, wherein the second hash value represents a current policy configuration for processing requests by the data processing system” as is recited in claim 8.

For at least all the above reasons, claims 2-4, 8, 16-18 and 28-30 are not obvious over Moses in view of Masters and it is respectfully requested that the Board reverse the Examiner’s rejection of those claims.

/Gerald H. Glanzman/  
Gerald H. Glanzman  
Reg. No. 25,035  
**YEE & ASSOCIATES, P.C.**  
PO Box 802333  
Dallas, TX 75380  
(972) 385-8777

## **CLAIMS APPENDIX**

The text of the claims involved in the appeal is:

1. A method in a data processing system for processing a request, the method comprising:  
receiving the request;  
responsive to a first hash value being present within the request, comparing the first hash value to a second hash value, wherein the second hash value represents a current policy configuration for a quality of service; and  
responsive to a match between the first hash value and the second hash value, setting a quality of service based on information associated with the first hash value.
2. The method of claim 1, wherein the first hash value and the information are located in a cookie within the request.
3. The method of claim 2, wherein the cookie is located within a header of the request.
4. The method of claim 1, wherein the request is a hypertext transport protocol request.
7. The method of claim 1, wherein the data processing system is a server.
8. A method in a data processing system for processing a request, the method comprising:  
responsive to receiving a request containing a selected cookie in which the selected cookie includes a first hash value and information associated with the hash value, determining

whether the first hash value corresponds to a second hash value, wherein the second hash value represents a current policy configuration for processing requests by the data processing system; and

responsive to a correspondence between the first hash value and the second hash value, processing the request using the information.

12. The method of claim 8, wherein the information includes a quality of service indicator.

13. A data processing system comprising:

a bus system;

a communications unit connected to the bus system;

a memory connected to the bus system, wherein the memory includes a set of instructions; and

a processing unit connected to the bus system, wherein the processing unit executes the set of instructions to receive the request; compare the first hash value to a second hash value in response to a first hash value being present within the request, wherein the second hash value represents a current policy configuration for a quality of service; and set a quality of service based on information associated with the first hash value in response to a match between the first hash value and the second hash value.

14. A data processing system comprising:

a bus system;

a communications unit connected to the bus system;

a memory connected to the bus system, wherein the memory includes a set of instructions; and

a processing unit connected to the bus system, wherein the processing unit executes the set of instructions to determine whether the first hash value corresponds to a second hash value in response to receiving a request containing a selected cookie in which the selected cookie includes a first hash value and information associated with the hash value, wherein the second hash value represents a current policy configuration for processing requests by the data processing system; and process the request using the information in response to a correspondence between the first hash value and the second hash value.

15. A data processing system for processing a request, the comprising:

receiving means for receiving the request;

comparing means, responsive to a first hash value being present within the request, for comparing the first hash value to a second hash value, wherein the second hash value represents a current policy configuration for a quality of service; and

setting means, responsive to a match between the first hash value and the second hash value, for setting a quality of service based on information associated with the first hash value;

16. The data processing system of claim 15, wherein the first hash value and the information are located in a cookie within the request.

17. The data processing system of claim 16, wherein the cookie is located within a header of the request.

18. The data processing system of claim 15, wherein the request is a hypertext transport protocol request.

21. The data processing system of claim 15, wherein the data processing system is a server.

22. A data processing system for processing a request, the data processing system comprising:

determining means, responsive to receiving a request containing a selected cookie in which the selected cookie includes a first hash value and information associated with the hash value, for determining whether the first hash value corresponds to a second hash value, wherein the second hash value represents a current policy configuration for processing requests by the data processing system; and

processing means, responsive to a correspondence between the first hash value and the second hash value, for processing the request using the information.

26. The data processing system of claim 22, wherein the information includes a quality of service indicator.

27. A computer program product in a computer readable medium for processing a request, the computer program product comprising:

first instructions for receiving the request;



second instructions, responsive to a first hash value being present within the request, for comparing the first hash value to a second hash value, wherein the second hash value represents a current policy configuration for a quality of service; and

third instructions, responsive to a match between the first hash value and the second hash value, for setting a quality of service based on information associated with the first hash value.

28. The computer program product of claim 27, wherein the first hash value and the information are located in a cookie within the request.

29. The computer program product of claim 28, wherein the cookie is located within a header of the request.

30. The computer program product of claim 27, wherein the request is a hypertext transport protocol request.

33. The computer program product of claim 27, wherein the data processing system is a server.

34. A computer program product in a computer readable medium for processing a request, the computer program product comprising:

first instructions, responsive to receiving a request containing a selected cookie in which the selected cookie includes a first hash value and information associated with the hash value, for determining whether the first hash value corresponds to a second hash value, wherein the second

hash value represents a current policy configuration for processing requests by the data processing system; and

second instructions, responsive to a correspondence between the first hash value and the second hash value, for processing the request using the information.

38. The computer program product of claim 34, wherein the information includes a quality of service indicator.

## **EVIDENCE APPENDIX**

There is no evidence to be presented.

## **RELATED PROCEEDINGS APPENDIX**

There are no related proceedings.